

**VOLUNTARY CLEANUP PROGRAM
BOILERPLATE OPINION LETTER**

**OPINION ON
COMPLETED CLEANUP ACTION**

**PARTIAL SUFFICIENCY &
FURTHER ACTION DETERMINATION**

July 2005

[DATE]

[CLIENT NAME]

[STREET ADDRESS]

[CITY, STATE POSTAL CODE]

**Re: Partial Sufficiency and Further Action Determination under
WAC 173-340-515(5) for the following Hazardous Waste Site:**

- Name: [SITE NAME]
- Address: [SITE ADDRESS]
- Facility/Site No.: [SITE NUMBER]
- VCP No.: [VCP NUMBER]

Dear [CLIENT NAME]:

Thank you for submitting your independent remedial action report for the [SITE NAME] facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

[CLIENT NAME]

[DATE]

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Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. [Include any independent remedial action reports submitted to Ecology [DATE and AUTHOR(S)]]
2. [Include any other documents and/or information reviewed by Ecology [DATE and AUTHOR(S)]]

The documents listed above will be kept in the Central Files of the [REGION] Regional Office of Ecology ([REGION ABBREV.]) for review by appointment only. Appointments can be made by calling the [REGION ABBREV.] resource contact at [PHONE NUMBER].

The Site is defined by the extent of contamination caused by the following release(s):

- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)];
- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)].

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above. [NOTE: The enclosure must include sufficient information to define the nature and extent of the contamination caused by the identified release(s). The enclosure should include both a written description of the Site and a detailed Site diagram. The diagram may be omitted only if one is neither available nor required to determine compliance with substantive requirements.]

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) performed at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s):**

- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)];
- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)].

However, the independent remedial action(s) performed at the Site are not sufficient to meet MTCA's substantive requirements for characterizing and addressing the following release(s):

- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)];
- [CONTAMINANT] in [MEDIA (Soil, Ground Water, Surface Water, Air)].

[CLIENT NAME]

[DATE]

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Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **further remedial action is necessary** at this Site under MTCA.

[Insert paragraph(s) that identify the remedial action(s) performed at the Site and the substantive requirement(s) of MTCA that are not met by those remedial action(s). Explain, as appropriate, why those remedial action(s) do not meet those requirement(s).]

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at [PHONE].

Sincerely,

[SITE MANAGER NAME]

[REGION ABBREV.] Toxics Cleanup Program

[AUTHOR INITITALS]: [SECRETARY INITIALS]

Enclosures: [NUMBER]

NOTE: This opinion letter constitutes a new form letter under which Ecology will issue technical consultation and advice pursuant to WAC 173-340-515. This opinion letter changes certain terminology to more closely reflect MTCA and its implementing regulations. This opinion letter takes the place of, and is functionally equivalent to, the "interim" or "conditional" No Further Action (NFA) letters issued by Ecology in the past.
